

Trademark/Service Mark Application, Principal Register

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Document Description: Trademark Application  
 Mail / Create Date: 01-Apr-2004

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PTO Form 1478 (Rev 4/98)  
 OMB Control #0651-0009 (Exp. 06/30/2005)

## Trademark/Service Mark Application, Principal Register

Serial Number: 78394985  
 Filing Date: 04/01/2004

The table below presents the data as entered.

Input Field	Entered
<b>MARK SECTION</b>	
MARK	ERIE CITY BOILER WORKS
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	ERIE CITY BOILER WORKS
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>OWNER SECTION</b>	
NAME	Victory Energy Operations, L.L.C.
STREET	P.O. Box 638, 302 E. 5th Ave., Unit "D"
CITY	Owasso
STATE	OK
ZIP/POSTAL CODE	74055
COUNTRY	USA
AUTHORIZED EMAIL COMMUNICATION	No
<b>LEGAL ENTITY SECTION</b>	
TYPE	LIMITED LIABILITY COMPANY
STATE/COUNTRY UNDER WHICH ORGANIZED	Delaware

[http://portal.uspto.gov/external/PA\\_1\\_0\\_1ET/OpenServletWindow?serialNumber=783949...](http://portal.uspto.gov/external/PA_1_0_1ET/OpenServletWindow?serialNumber=783949...) 5/18/2005



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GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	011
DESCRIPTION	Fuel delivery units for steam boilers; steam generators; water treatment units for filtration, dealkination and demineralization; and parts for the aforesaid goods, namely, fuel inlets and fuel racks, industrial fans, burners, stack economizers, fuel gas recirculation and water treatment units, deaerators and heat pumps
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
SIGNATORY FILE	\ticrs\EXPORT11\IMAGEOUT 11\783\949 \78394985\xml1\APP0003.JPG
SIGNATORY NAME	John C. Viskup, Jr.
SIGNATORY POSITION	President
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
ATTORNEY	
NAME	Joseph D. Fincher
FIRM NAME	Hall Estill Hardwick Gable Golden & Nelson, P.C.
STREET	320 South Boston Ave., Suite 400
CITY	Tulsa
STATE	OK
ZIP/POSTAL CODE	74103-3708
COUNTRY	USA
PHONE	(918) 594-0428
FAX	(918) 594-0505
EMAIL	jfincher@halestill.com
AUTHORIZED EMAIL COMMUNICATION	Yes

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IKE 09755

000103

Trademark/Service Mark Application, Principal Register

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CORRESPONDENCE SECTION	
NAME	Joseph D. Fincher
FIRM NAME	Hall Estill Hardwick Gable Golden & Nelson, P.C.
STREET	320 South Boston Ave., Suite 400
CITY	Tulsa
STATE	OK
ZIP/POSTAL CODE	74103-3708
COUNTRY	USA
PHONE	(918) 594-0428
FAX	(918) 594-0505
EMAIL	jfincher@hallestill.com
AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	
SUBMIT DATE	Thu Apr 01 17:33:07 EST 2004
TEAS STAMP	USPTO/BAS-20819167253-200 40401173307978488-7839498 5-200cc7781a52b91a859cfb0 3e82ba89ab-CC-335-2004040 1172837551796

## Trademark/Service Mark Application, Principal Register

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PTO Form 1478 (Rev 4/98)  
 OMB Control #0651-0009 (Exp. 06/30/2005)

## Trademark/Service Mark Application, Principal Register

Serial Number: 78394985  
 Filing Date: 04/01/2004

**To the Commissioner for Trademarks:**

**MARK:** (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of ERIE CITY BOILER WORKS.

The applicant, Victory Energy Operations, L.L.C., a limited liability company organized under the laws of Delaware, residing at P.O. Box 638, 302 E. 5th Ave., Unit "D", Owasso, OK, USA, 74055, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

**Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 011: Fuel delivery units for steam boilers; steam generators; water treatment units for filtration, dealkalination and demineralization; and parts for the aforesaid goods, namely, fuel inlets and fuel racks, industrial fans, burners, stack economizers, fuel gas recirculation and water treatment units, deaerators and heat pumps

The applicant hereby appoints Joseph D. Fincher of Hall Estill Hardwick Gable Golden & Nelson, P.C.320 South Boston Ave., Suite 400 , Tulsa, OK, USA, 74103-3708 to submit this application on behalf of the applicant.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: [jfincher@halestill.com](mailto:jfincher@halestill.com).

A fee payment in the amount of \$335 will be submitted with the application, representing payment for 1 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to

Trademark/Service Mark Application, Principal Register

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use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature:

Signatory's Name: John C. Viskup, Jr.

Signatory's Position: President

Signatory's Signature: Signature

Mailing Address:

Joseph D. Fincher  
 320 South Boston Ave., Suite 400  
 Tulsa, OK 74103-3708

RAM Sale Number: 335

RAM Accounting Date: 04/02/2004

Serial Number: 78394985

Internet Transmission Date: Thu Apr 01 17:33:07 EST 2004

TEAS Stamp: USPTO/BAS-20819167253-200404011733079784

88-78394985-200cc7781a52b91a859cfb03e82b

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# ERIE CITY BOILER WORKS

04/01/2004 THU 15:39 FA

**APPLICANT NAME  
MARK: (standard)**

The undersigned, by fine or imprisonment and the like, may justify he/she is properly a applicant to be the being filed under 15: commerce; to the best has the right to use resemblance thereto therein to cause not

Drawing Page

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Drawing Page

Date/Time Stamp: 04/01/2004

Serial Number: 78394985



Mark (USPTO-generated image for standard characters):

ERIE CITY BOILER  
WORKS

file: 20040401173307978488-78394985

2004/04/01

IKE 09761

000109

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Document Description: drawing  
Mail / Create Date: 01-Apr-2004

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# ERIE CITY BOILER WORKS

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X Search

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Document Description: XSearch Search Summary						
Mail / Create Date: 05-Nov-2004						
*** User:HZAK ***						
#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:02	78394985[SN]
02	3	0	3	3	0:07	"victory energy operations"[on]
03	106	55	50	28	0:02	"erie"[bi,ti]
04	7	2	5	4	0:06	*boil*[bi,ti] and *works*[bi,ti]

Session started 11/5/04 11:02:55 AM  
Session finished 11/5/04 11:08:13 AM  
Total search duration 0 minutes 17 seconds  
Session duration 5 minutes 18 seconds  
Default NEAR limit=1 ADJ limit=1

Sent to TICRS as Serial Number: 78394985

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 Mail / Create Date: 05-Nov-2004

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**To:** Victory Energy Operations, L.L.C. ([jfincher@hallestill.com](mailto:jfincher@hallestill.com))  
**Subject:** TRADEMARK APPLICATION NO. 78394985 - ERIE CITY BOILER WORKS - N/A  
**Sent:** 11/5/04 11:41:18 AM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
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[Attachment - 7](#)  
[Attachment - 8](#)  
[Attachment - 9](#)

### UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78394985

APPLICANT: Victory Energy Operations, L.L.C.

**\*78394985\*****CORRESPONDENT ADDRESS:**

Joseph D. Fincher  
 Hall Estill Hardwick Gable Golden & Neils  
 320 South Boston Ave., Suite 400  
 Tulsa, OK 74103-3708

**RETURN ADDRESS:**

Commissioner for Trademarks  
 P.O. Box 1451  
 Alexandria, VA 22313-1451

MARK: ERIE CITY BOILER WORKS

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

Please provide in all correspondence:

**CORRESPONDENT EMAIL ADDRESS:**[jfincher@hallestill.com](mailto:jfincher@hallestill.com)

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

### OFFICE ACTION

TRADEMARK APPLICATION NO. 78394985 - ERIE CITY BOILER WORKS - N/A Page 2 of 5

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 78/394985

Applicant must indicate specifically whether the goods will be manufactured or produced in, or will have any other connection with, the geographic location named in the mark. 37 C.F.R. §2.61(b); TM §1210.03. If the primary significance of a mark is to indicate a geographic location which is neither obscure nor remote and applicant's goods are manufactured or produced in the location indicated, then the public is likely to believe that the geographic term identifies the place from which the goods originate. *See In re Nantucket Allserve, Inc.*, 28 USPQ2d 1144 (TTAB 1993).

Specifically, are the goods manufactured in Erie, Pennsylvania, or the Lake Erie area. Information made of record clearly shows that this geographic area is historically known and continues to be known as a manufacturing center for iron products (see enclosed material).

If the goods originate from this area, registration is refused on the Principal Register on the following basis:

Registration is refused because the mark is primarily geographically descriptive of the origin of applicant's goods and/or services. Trademark Act Section 2(e)(2), 15 U.S.C. §1052(e)(2); TMEP §§1210.01(a) and 1210.04(b).

A three-part test is applied to determine whether a mark is primarily geographically descriptive of the goods and/or services within the meaning of Trademark Act Section 2(e)(2):

- (1) the primary significance of the mark must be geographic, i.e., the mark names a particular geographic place or location;
- (2) purchasers must be likely to make a goods-place or services-place association, i.e., purchasers are likely to think that the goods or services originate in the geographic location identified in the mark; and
- (3) the mark identifies the geographic origin of the goods and/or services.

TMEP §1210.01(a); *See In re MCO Properties, Inc.*, 38 USPQ2d 1154 (TTAB 1995); *In re California Pizza Kitchen*, 10 USPQ2d 1704 (TTAB 1989).

The attached evidence from various websites and geographic gazetteers shows that the primary significance of the term "ERIE" in the mark is the name of a geographic location. Purchasers are likely to believe the goods and/or services will originate in that geographic location because applicant is located there. Thus there is a presumed goods-place association in this case. *In re JT Tobacconists*, 59 USPQ2d 1080 (TTAB 2001); *In re U.S. Cargo, Inc.*, 49 USPQ2d 1702 (TTAB 1998); *In re Carolina Apparel*, 48 USPQ2d 1542 (TTAB 1998); *In re Chalk's International Airlines Inc.*, 21 USPQ2d 1637 (TTAB 1991); *In re California Pizza Kitchen*, 10 USPQ2d 1704 (TTAB 1989); *In re Handler Fenton Westerns, Inc.*, 214 USPQ 848 (TTAB 1982); TMEP §1210.04(b).

The addition of a generic or merely descriptive term to a geographic term does not obviate a determination of geographic descriptiveness. *See In re JT Tobacconists*, 59 USPQ2d 1080 (TTAB 2001); *In re Carolina Apparel*, 48 USPQ2d 1542 (TTAB 1998); *In re Chalk's International Airlines Inc.*, 21 USPQ2d 1637 (TTAB 1991); *In re Wine Society of America Inc.*, 12 USPQ2d 1139 (TTAB 1989); *In re California Pizza Kitchen Inc.*, 10 USPQ2d 1704 (TTAB 1988); *In re Cambridge Digital Systems*, 1 USPQ2d 1659 (TTAB 1986); *In re BankAmerica Corp.*, 231 USPQ 873 (TTAB 1986); *In*

## TRADEMARK APPLICATION NO. 78394985 - ERIE CITY BOILER WORKS - N/A Page 3 of 5

*re Application of Handler Fenton Westerns, Inc.* 214 USPQ 848 (TTAB 1982); TMEP §1210.07(a).

The addition of the generic term BOILER WORKS, identifying a manufacturing center for iron based products, does not alter the primary geographic significance of the term.

When the geographic significance of a term is its primary significance and the geographic place is neither obscure nor remote, the goods/place or services/place association will ordinarily be presumed from the fact that the applicant's goods or services originate in the place named in the mark. *In re JT Tobacconists*, 59 USPQ2d 1080 (TTAB 2001) (MINNESOTA CIGAR COMPANY primarily geographically descriptive of cigars); *In re Chalk's International Airlines Inc.*, 21 USPQ2d 1637 (TTAB 1991) (PARADISE ISLAND AIRLINES held primarily geographically descriptive of the transportation of passengers and goods by air); *In re California Pizza Kitchen Inc.*, 10 USPQ2d 1704 (TTAB 1988) (CALIFORNIA PIZZA KITCHEN held primarily geographically descriptive of restaurant services).

The information made of record clearly indicates that the Erie region is well known, both historically and contemporaneously, for iron manufacturing and such manufacturing facilities. Therefore, the primary significance of the term ERIE CITY BOILER WORKS would identify a geographic region noted for iron manufacture.

If the goods do not originate from this locale, registration is refused on the following basis:

Registration is refused because the proposed mark consists of or comprises geographically deceptive and primarily geographically deceptively misdescriptive matter in relation to the identified goods and/or services. 15 U.S.C. §§1052(a) and (e)(3); *In re Les Halles De Paris J.V.*, 334 F.3d 1371, 67 USPQ2d 1539 (Fed. Cir. 2003); *In re California Innovations Inc.*, 329 F.3d 1334, 66 USPQ2d 1853 (Fed. Cir. 2003), *reh'g denied*, 2003 U.S. App. LEXIS 18883 (Fed. Cir. Aug. 20, 2003); *See In re Budge Mfg. Co.*, 857 F.2d 773, 8 USPQ2d 1259 (Fed. Cir. 1988); *In re Perry Mfg. Co.*, 12 USPQ2d 1751 (TTAB 1989).

The primary significance of the term "ERIE CITY" is geographic. The goods and/or services do not originate in this geographic location. The public is likely to believe that applicant's goods and/or services come from this place because such a locale is well known both historically and contemporaneously for iron manufacturing. Furthermore, this belief would materially influence consumers to purchase the goods and/or services because of the quality of the iron work issued from this region. *See In re House of Windsor, Inc.*, 221 USPQ 53 (TTAB 1983), *recon. denied*, 223 USPQ 191 (TTAB 1984).

A mark is geographically deceptive and primarily geographically deceptively misdescriptive if:

- (1) the primary significance of the mark is a generally known geographic location;
- (2) the goods or services for which applicant seeks registration do not originate in the place identified in the mark;
- (3) purchasers would be likely to believe that the goods or services originate in the geographic place named in the mark; and
- (4) the misrepresentation is a material factor in the purchaser's decision to buy the goods or use the services in question.

*In re Les Halles De Paris J.V.*, 334 F.3d 1371, 1373, 67 USPQ2d 1539, 1541 (Fed. Cir. 2003); *In re*

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*California Innovations Inc.*, 329 F.3d 1334, 1341, 66 USPQ2d 1853, 1859 (Fed. Cir. 2003), *reh'g denied*, 2003 U.S. App. LEXIS 18883 (Fed. Cir. Aug. 20, 2003).

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informality.

The applicant must disclaim the descriptive wording "BOILER WORKS" apart from the mark as shown. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §§1213 and 1213.03(a). The wording is merely descriptive because it is a generic name for the business of the applicant—manufacture of iron goods

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

To reach the undersigned attorney by telephone after November 2, 2004, please call (571) 272 - 9354. Thank you.

#### NOTICE: TRADEMARK OPERATION RELOCATING OCTOBER AND NOVEMBER 2004

The Trademark Operation is relocating to Alexandria, Virginia, in October and November 2004. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Applicants, registration owners, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at [www.uspto.gov](http://www.uspto.gov).

Henry S. Zak  
/Henry S. Zak/  
Examining Attorney  
Law Office 108  
(571) 272-9354

#### How to respond to this Office Action:

You may respond formally using the Office's Trademark Electronic Application System (TEAS)

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Response to Office Action form (visit <http://eteas.uspto.gov/V2.0/oa242/WIZARD.htm> and follow the instructions therein, but you must wait until at least 72 hours after receipt if the office action issued via e-mail). PLEASE NOTE: Responses to Office Actions on applications filed under the Madrid Protocol (Section 66(a)) CANNOT currently be filed via TEAS.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

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<http://www.cabincreekcds.com/UnionIronWorks.htm>

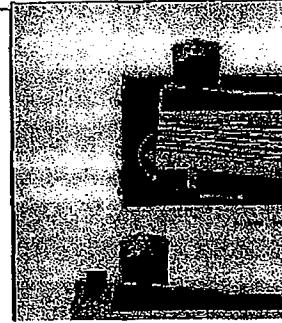
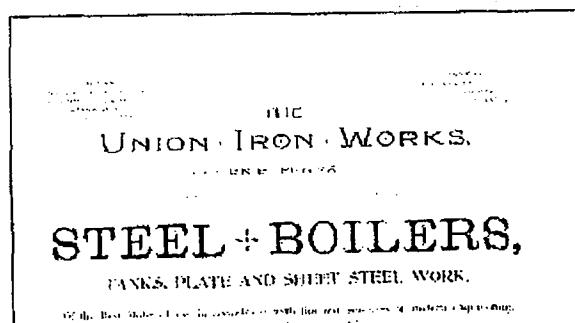
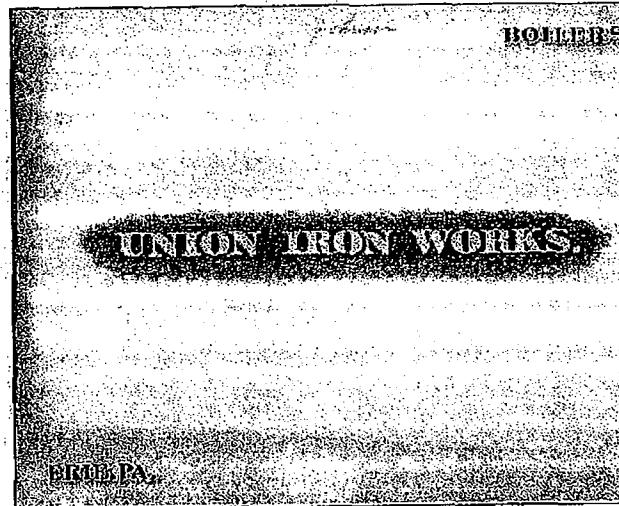
**Cabin Creek**

[cabincreekcds.com](http://cabincreekcds.com)

**Union Iron Wor  
Boilers**

*Erie, Pa.*

**JANUARY 1, 1895**



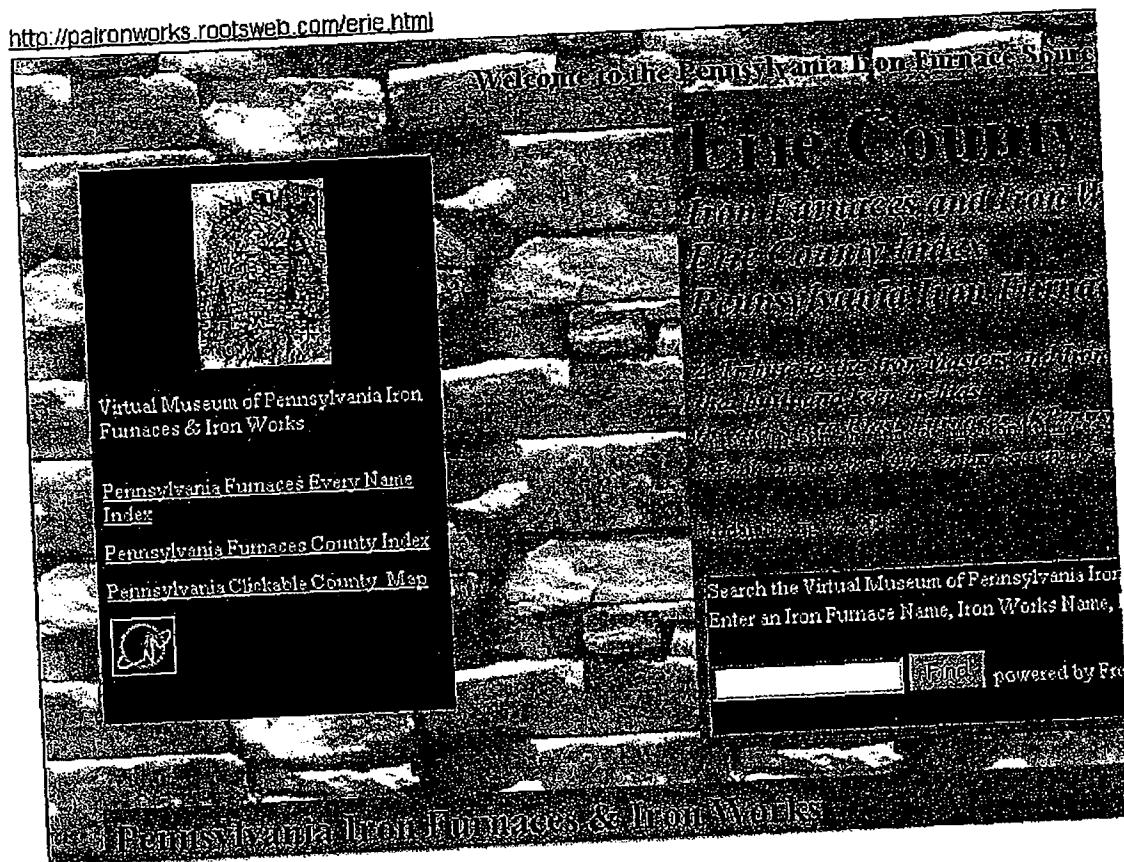
[http://portal.uspto.gov/external/PA\\_1\\_0\\_1ET/PDFServlet?name=0.7886307764463218](http://portal.uspto.gov/external/PA_1_0_1ET/PDFServlet?name=0.7886307764463218)

5/18/2005

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000118

[http://www.keystone-energy.com/company\\_history.htm#erie\\_city\\_iron](http://www.keystone-energy.com/company_history.htm#erie_city_iron)



Boilers - HRSGs - Stokers - Burners  
Service - Parts

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Engineering  
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24 hour Customer  
Service Hot Line  
1.800.322.5995

5300 Knowledge  
Parkway  
Erie, PA 16510

Fax Number  
814.897.1089

## Company History

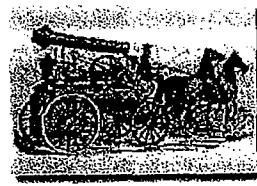
Keystone Energy brings together a focused group of experienced engineers maintaining a high level of customer support for the steam generation industry. It can trace its roots to 1840 to where it began production of high quality, designs.

Keystone Energy is the supplier of OEM parts and services for the following steam generator technologies:

- Erie City Iron Works
- Zurn Energy Division
- Aalborg Industries, Inc.
- Erie Power Technologies, Inc.



1859 Erie City provided the steam generator and engine to drill the world's first oil well in Titusville, Pa. In 1985 a new boiler was duplicated for the Engine House at the Drake Well National Historical Museum.



Horse Drawn Boiler



Oldest S: Stamp



Erie City Iron Works



## Corporate Timeline:

### 1840-1887

Original Business: An iron foundry company  
Foundry

### 1887-1966

When Erie became a city, company  
Erie City Iron Works

### 1966-1997

Business was bought by Zurn Industries  
Zurn Energy Division

### 1997-1998

Zurn Energy Division was bought by  
Inc. and renamed Aalborg Keystone

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<http://www.metalworld.com/trade/aa008637.html>

**MetalWorld**

[Main Menu | Industry Directory | Add Your Company]

## Industry Directory

**Erie Forge & Steel, Inc.**

Erie Forge and Steel became the number one supplier of propulsion shafting for the Navy's vessels. Along with these forged components, EFS maintained a foundry which supplied propellers and shaft struts for these same ships. This facility, however, closed in 1976. Along with naval shafting, EFS has made many large forgings for the steel, mining, plastic and paper industry. Products and Services: ALLOY: Oil Country Goods, including Alloy Pipe, ALLOY: Tool Steel, including Drill Rod, CARBON: Hot Rolled & Forged, Plain or Galvanized Bar, CARBON: Semi-Finished, Billets, Skelp.

**Erie Forge & Steel, Inc.**  
Erie Pennsylvania  
USA

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## Industry Directory

### Erie Concrete & Steel Supply

Products and Services: ALL-QY-Hot Rolled Bar and Light Shapes CARBON-Cold Finished Bars CARBON-Expanded Steel CARBON-Grating CARBON-Hollow Structural's & Structural Pipe & Tubing CARBON-Hot Rolled & Forged, Plain or Galvanized Bar CARBON-Hot Rolled Sheets, Strip, & Coil CARBON-Mechanical Tubing CARBON-Plates U.M. & Sheared, Floor Plates & Sheets CARBON-Reinforcing Bar (Non-Fabricated) CARBON-Structurals or Welded Section CARBON-Tool Steel, including Drill Rod ANNEALING BEAM-SPLITTING BEVELING BURNING FLAME CUTTER GRINDING HEAT TREAT PLATE BURNING SAW SHEAR.

### Erie Concrete & Steel Supply

Erie Pennsylvania  
USA

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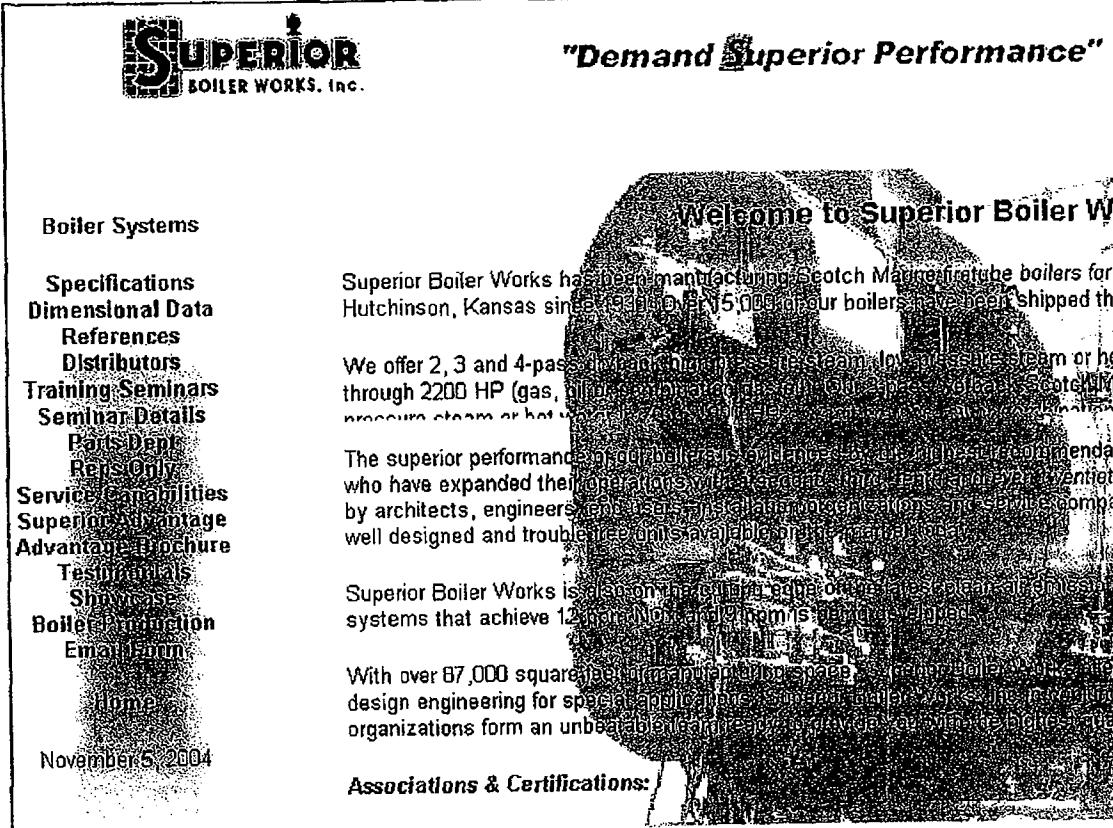


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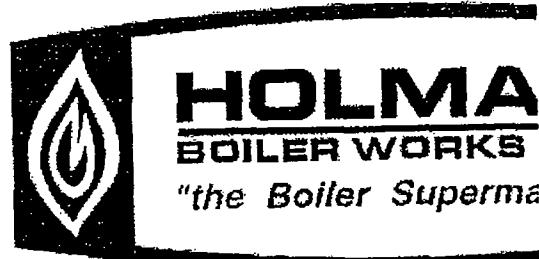
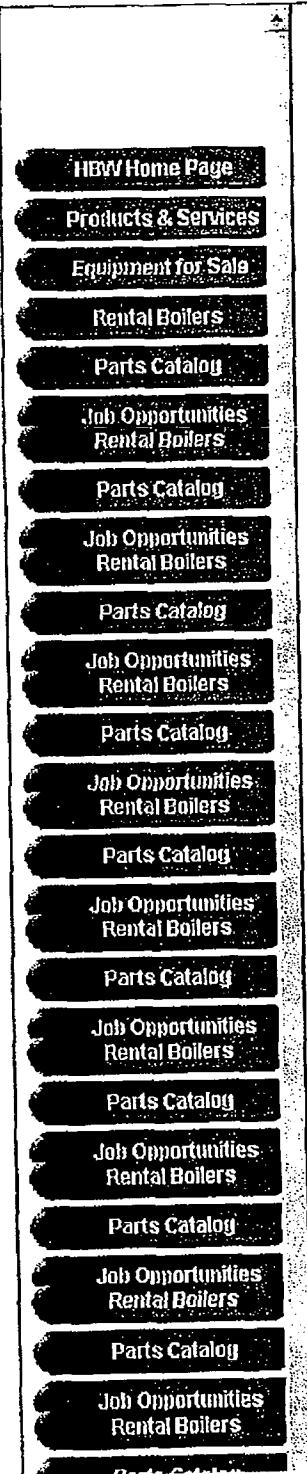
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<http://www.superiorboiler.com/>



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Holman Boiler Works, Inc. offers Boiler S:

Parts, Rental Boilers, Remanufactured Boi

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[dal-sales@holmanboiler.com](mailto:dal-sales@holmanboiler.com)

**Houston**  
1-800-421-2516  
[hou-sales@holmanboiler.com](mailto:hou-sales@holmanboiler.com)

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Other Links



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## McKenna Boiler Works



# McKenna Boile

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McKenna Boiler Works has been located at 1510 North Spring Street in Our 15,000 sq. ft. building employees over 20 workers that help man cleaning and laundry industry.

McKenna manufactures Scotch Marine boilers from 5 to 65 HP and ver also repair, re-tube and sell new and used boilers. More than 18 mode in stock.

In addition to the popular boilers, the company takes special orders f specifications. As Richard Smith says, "We've got lots of boilers out t designs for years... a good boiler that's efficient ... and that is what

### Our Mission

We strive to provide the best products and service for our customers

### Company Profile

### Contact Information

Response to Office Action

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Document Description: Response to Office Action  
 Mail / Create Date: 05-May-2005

PTO Form 1986 (Rev 9/2002)  
 OMB Control #0651-0050 (Exp. 04/30/2006)

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78394985
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (no change)</b>	
<b>ADDITIONAL STATEMENTS SECTION</b>	
MISCELLANEOUS STATEMENT	In response to the Office Action dated November 5, 2004, Applicant requests that this application be withdrawn pursuant to 37 C.F.R. § 2.68. It is respectfully submitted that said withdrawal is not to be construed as an agreement with the Trademark Attorney's grounds for refusal.
<b>SIGNATURE SECTION</b>	
SIGNATURE	/Joseph D. Fincher/
SIGNATORY NAME	Joseph D. Fincher
SIGNATORY POSITION	Attorney for Applicant
SIGNATORY DATE	05/05/2005
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu May 05 17:52:07 EDT 2005
TEAS STAMP	USPTO/OA-20819167253-2005 0505175207234294-78394985 -200f9df3bc6c462a9d3da77f 730488db7c2-N-N-200505051 75002747711

Response to Office Action

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 OMB Control #0651-0050 (Exp. 04/30/2006)

### Response to Office Action

#### To the Commissioner for Trademarks:

Application serial no. 78394985 is amended as follows:

#### Additional Statements

In response to the Office Action dated November 5, 2004, Applicant requests that this application be withdrawn pursuant to 37 C.F.R. § 2.68. It is respectfully submitted that said withdrawal is not to be construed as an agreement with the Trademark Attorney's grounds for refusal.

#### Response Signature

Signature: /Joseph D. Fincher/ Date: 05/05/2005

Signatory's Name: Joseph D. Fincher

Signatory's Position: Attorney for Applicant

Serial Number: 78394985

Internet Transmission Date: Thu May 05 17:52:07 EDT 2005

TEAS Stamp: USPTO/OA-20819167253-2005050517520723429

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